

LPDES PERMIT NO. LA0007382, AI No. 4182

LPDES STATEMENT OF BASIS
FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(LPDES) PERMIT TO DISCHARGE TO WATERS OF LOUISIANA

- I. **Company/Facility Name:** Lula-Westfield, L.L.C.
Lula Factory
Post Office Box 69
Belle Rose, Louisiana 70341
- II. **Issuing Office:** Louisiana Department of Environmental Quality
(LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
- III. **Prepared By:** Sonja Loyd
Industrial Permits Section
Water Permits Division
Phone #: 225-219-3090
E-mail: sonja.loyd@la.gov
- Date Prepared:** October 23, 2009
- IV. **Permit Action/Status:**
- A. **Reason For Permit Action:**
- Proposed reissuance of an expired Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term following regulations promulgated at LAC 33:IX.2711/40 CFR 122.46.
- LAC 33:IX Citations: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX.
- 40 CFR Citations: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX.2301, 4901, and 4903.
- B. LPDES permit - LPDES permit effective date: December 1, 2004
LPDES permit expiration date: November 30, 2009
EPA has not retained enforcement authority.
- C. Application received on June 2, 2009 with additional information received via e-mail correspondence on October 28, 2009, November 11, 2009, and January 11, 2010.
- V. **Facility Information:**
- A. **Location -** 351 Highway 999 in Belle Rose, Assumption Parish
(Latitude 30°02'45", Longitude 91°04'00")

Statement of Basis for
 Lula-Westfield, L.L.C., Lula Factory
 LA0007382, AI No. 4182
 Page 2

B. Applicant Activity -

According to the application, Lula-Westfield, L.L.C., Lula Factory, is an existing raw cane sugar factory which produces sugar and molasses.

- C. Technology Basis - (40 CFR Chapter 1, Subchapter N/Parts 401-402, and 401, 405-415, and 417-471 have been adopted by reference at LAC 33:IX.4903)

Guideline

Reference

Louisiana Raw Cane Sugar

40 CFR Part 409, Subpart D

Sugar Processing

LAC 33:IX.707.D.2

Other sources of technology based limits:

Current LPDES permit (effective date December 1, 2004)
 Best Professional Judgement

D. Fee Rate -

1. Fee Rating Facility Type: Minor
2. Complexity Type: II
3. Wastewater Type: II
4. SIC code: 2061

VI. Receiving Waters:

STREAM - Lake Verret via Grand Bayou

BASIN AND SUBSEGMENT - Terrebonne Basin, Subsegment No. 120206

DESIGNATED USES - a. primary contact recreation
 b. secondary contact recreation
 c. fish and wildlife propagation

VII. Outfall Information:

Outfall 002

- A. Type of wastewater - process wastewaters (comprised of wastewaters from filter mud and fly ash, cane washwater from the settling ponds, barometric condenser cooling water, steam condensate, and floor washwater), treated sanitary wastewater, and stormwater runoff
- B. Location - at the point of discharge from the rectangular weir at the western impoundment levee prior to combining with other waters (Latitude 30°03'30", Longitude 91°07'00").

Statement of Basis for
 Lula-Westfield, L.L.C., Lula Factory
 LA0007382, AI No. 4182
 Page 3

- C. Treatment - treatment of these wastewaters consists of:
 - sedimentation
 - stabilization
 - aeration
- D. Flow - Seasonal, 6.46 MGD (Max 30-Day) [NOTE: Based on the flow values reported on the permittee's DMRs for the monitoring period of June 2007 through June 2009.]
- E. Receiving waters - Lake Verret via Grand Bayou
- F. Basin and Subsegment - Terrebonne Basin, Subsegment No. 120206

VIII. Proposed Permit Limits:

Summary of Proposed Changes From the Current LPDES Permit:

- A. According to the current permit, this permittee is subject to the guidelines cited at LAC 33:IX.707.D.3 in the Water Quality Regulations. However, in keeping with the standard practices for establishing limits for conventional pollutants in permits, the guidelines cited at LAC 33:IX.707.D.2 will be applied in the draft permit.
- B. The permittee requested that Outfall 001 be removed from the draft permit since the discharges from this outfall will be discharged through Outfall 002. This request will be granted.
- C. A daily maximum mass limit for TSS will be established in the draft permit in lieu of a daily maximum concentration limit. The mass limit will be established based on the *TMDL for Total Suspended Solids for the Grand Bayou and Little Grand Bayou* which was finalized on April 2, 2008. According to the TMDL assessment, this permittee was assigned a water quality-based mass limit (wasteload allocation) for TSS of 1,518 lbs/day using an average flow value of 3,637,845 GPD and the concentration limit of 50 mg/L from the current permit. See Section IX of the Fact Sheet for additional information.
- D. The provision in Part II Conditions which required the permittee to comply with an annual average TSS discharge limit will be removed from the draft permit. This limit and the associated reporting requirements will not be included since the proposed daily maximum mass limit for TSS will always be more stringent than the annual average mass limit based on 40 CFR 409, Subpart D.
- E. A provision will be added in Part II.I which requires the permittee to submit analytical data as required by the Water Quality Regulations in accordance with Section III.C.4 of the IND

Statement of Basis for
 Lula-Westfield, L.L.C., Lula Factory
 LA0007382, AI No. 4182
 Page 4

Application. The permittee will not need to re-submit analytical data that was provided in the 2009 Application. This provision will require the facility to submit analytical data within one (1) year after the effective date of the permit. Upon submittal of the analytical data, the LDEQ may choose to modify this permit to change the effluent limits based on this information.

- F. The provision in the Part II conditions that required submittal of DMRs to the Capital Regional Office will be removed from the permit since all DMRs sent to the Office of Environmental Compliance - Permit Compliance Unit are now scanned into EDMS which is accessible to all LDEQ personnel.

IX. Permit Limit Rationale:

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit.

1. Outfall 002 - process wastewaters (comprised of wastewaters from filter mud and fly ash, cane washwater from the settling ponds, barometric condenser cooling water, steam condensate, and floor washwater), treated sanitary wastewater, and stormwater runoff

Lula-Westfield, L.L.C., Lula Factory is subject to Best Practicable Control Technology Currently Available (BPT) and Best Conventional Pollutant Control Technology (BCT) effluent limitation guidelines listed below:

Manufacturing Operation

Guideline

Louisiana Raw Cane Sugar

40 CFR Part 409, Subpart D

Sugar Processing

LAC 33:IX.707.D.2

PARAMETER(S)	MASS, LBS/DAY unless otherwise stated		CONCENTRATION, MG/L unless otherwise stated		MEASUREMENT FREQUENCY (*1)
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
Flow, MGD	Report	Report	---	---	1/week
BOD ₅	---	---	10	15	1/week
TSS	---	1,518	---	---	1/week
Dissolved Oxygen	---	---	4 (Avg)	3 (Min)	1/week

Statement of Basis for
 Lula-Westfield, L.L.C., Lula Factory
 LA0007382, AI No. 4182
 Page 5

PARAMETER(S)	MASS, LBS/DAY unless otherwise stated		CONCENTRATION, MG/L unless otherwise stated		MEASUREMENT FREQUENCY (*1)
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
pH (Standard Units)	---	---	6.0 (Min)	9.0 (Max)	1/week

(*1) When discharging.

Site-Specific Consideration(s)

Flow - monitoring requirements are established in accordance with LAC 33:IX.2707.I.1.b and the current permit.

BOD₅ - limits are based on the Water Quality Regulations cited at LAC 33:XII.707.D.2.c and the current permit.

An annual average mass limit for BOD₅ will be established to comply with the federal guidelines cited at 40 CFR 409, Subpart D [409.42(b)]. The annual average limit for BOD₅ permitted to be discharged shall be calculated by multiplying the total tons of gross cane ground from the last season in which cane was ground by 1.26 lbs/ton, respectively. A reporting requirement will also be established that requires the permittee to report on an annual basis the total pounds of BOD₅ discharged, the total number of days that a discharge occurred, and the tons of gross cane ground during the last season in which cane was ground. See Part II.H of the draft permit.

TSS - the daily maximum mass limit is based on the TMDL for Total Suspended Solids for the Grand Bayou and Little Grand Bayou which was finalized on April 2, 2008. According to the TMDL assessment, this permittee was assigned a water quality-based mass limit (wasteload allocation) for TSS of 1,518 lbs/day using an average flow value of 3,637,845 GPD and the concentration limit of 50 mg/L from the current permit.

The daily maximum water quality-based mass limit was compared against the daily maximum technology-based mass limit calculated based on the guidelines cited at LAC 33:IX.707.D.2.b using the tons of sugar cane processed during the 2008 grinding season and the number of days of production. The calculations for the technology-based mass limit is provided below:

Tons of Sugar Cane Processed in 2008: 862,686 tons
 Number of Days of Production: 89 days

Statement of Basis for
 Lula-Westfield, L.L.C., Lula Factory
 LA0007382, AI No. 4182
 Page 6

To determine the production rate (tons/day), the following calculation was performed below:

$$862,686 \text{ tons}/89 \text{ days} = 9,693 \text{ tons/day}$$

Based on this information, the proposed mass limits were calculated using the following equation:

$$\text{Production Rate (tons/day)} * \text{Production-Based Factor (lbs/ton)} = \text{mass limit (lbs/day)}$$

TSS Limits

Daily Maximum

$$9,693 \text{ tons/day} * 0.24 \text{ lbs/ton} = 2,326 \text{ lbs/day}$$

As a result, the daily maximum water quality-based mass limit was determined to be more stringent than the daily maximum technology-based mass limit. Therefore, the water quality-based mass limit for TSS will be established in the draft permit.

DO - limits are based on the Water Quality Regulations cited at LAC 33:XI.707.D.2.c and the current permit.

pH - limits are established in accordance with LAC 33:IX.1113.C.1 and the current permit.

STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENTS

In accordance with LAC 33:IX.2707.I.3 and 4 [40 CFR 122.44(I)(3) and (4)], a Part II condition is proposed for applicability to all storm water discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow. For first time permit issuance, the Part II condition requires a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. For renewal permit issuance, the Part II condition requires that the Storm Water Pollution Prevention Plan (SWP3) be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference to the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasures Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. The conditions will be found in the draft permit. Including Best Management Practice (BMP) controls in the form of a SWP3 is consistent with other LPDES and EPA permits regulating similar discharges of stormwater associated with industrial activity, as defined in LAC 33:IX.2511.B.14 [40 CFR 122.26(b)(14)]. discharges of stormwater associated with industrial activity, as defined in LAC 33:IX.2511.B.14 [40 CFR 122.26(b)(14)].

Statement of Basis for
 Lula-Westfield, L.L.C., Lula Factory
 LA0007382, AI No. 4182
 Page 7

TMDL Waterbodies

Subsegment No. 120206 of the Terrebonne Basin is not listed on the 2006 Final Integrated 303(d) List as impaired since the all of the Total Maximum Daily Loading (TMDL) reports have been completed for this subsegment. The pollutants of concern were Organic Enrichment/Low Dissolved Oxygen (DO) and Suspended Solids. These pollutants of concern have been addressed in the following TMDL assessments:

Organic enrichment/low DO and Nutrients

The Grand Bayou Watershed TMDL for Biochemical Oxygen-Demanding Substances was finalized on April 15, 2008. Based on the results of this TMDL assessment, "the existing point sources have no impact on the main stem of Grand Bayou and require no changes to their permitted discharges". Therefore, the limits for BOD₅ and DO will be retained from the current permit.

Suspended Solids

The TMDL for Total Suspended Solids for the Grand Bayou and Little Grand Bayou was finalized on April 2, 2008. According to the TMDL assessment, this permittee was assigned a water quality-based mass limit (wasteload allocation) for TSS of 1,518 lbs/day using an average flow value of 3,637,845 GPD and the concentration limit of 50 mg/L from the current permit. This daily maximum water quality-based mass limit was compared against the daily maximum technology-based mass limit derived in accordance with the guidelines cited at LAC 33:IX.707.D.2.b. As a result, the daily maximum water quality-based mass limit was determined to be more stringent than the daily maximum technology-based mass limit. Therefore, the water quality-based mass limit for TSS will be established in the draft permit.

A reopener clause will be established in the permit to include more stringent limits, if needed, as a result of any modifications to the TMDLs.

x. Compliance History/DMR Review:

- A. LDEQ records were reviewed for the period of December 2007 through December 2009. No enforcement actions were issued by any media during this time period.
- B. A DMR review of the monitoring reports for the period of June 2004 through June 2009 revealed the following effluent excursion:

DATE	PARAMETER	OUTFALL	REPORTED VALUE	PERMIT LIMITS
11/07	BOD ₅	002	16 mg/L	15 mg/L

Statement of Basis for
Lula-Westfield, L.L.C., Lula Factory
LA0007382, AI No. 4182
Page 8

In addition, the permittee failed to provide the following information in accordance with the current permit: (1) the annual BOD₅ and TSS discharge reports and (2) DMRs for Outfall 001 indicating No Discharge subsequent to making the decision to eliminate Outfall 001.

A compliance referral was forwarded to the Office of Environmental Compliance/Water Enforcement Division on January 6, 2010, for the excursion and deficiencies noted above.

- C. The most recent inspection was conducted on August 14, 2007. There were no areas of concern noted in the inspection report.

XI. Endangered Species:

The receiving waterbody, Subsegment No. 120206 of the Terrebonne Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated January 11, 2010 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

XII. Historic Sites:

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

XIII. Tentative Determination:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

XIV. Public Notices:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues

Statement of Basis for
Lula-Westfield, L.L.C., Lula Factory
LA0007382, AI No. 4182
Page 9

involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List